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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/013,096	12/06/2001	Tetsuo Nishimoto	393032029100	9570

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EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3722

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/013,096

Applicant(s)

NISHIMOTO, TETSUO

Examin r

Ali Abdelwahed

Art Unit

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-- The MAILING DATE f this c mmunicati n appears on the cover she t with the correspondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-15 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,149,490 to Hampton et al.

Hampton et al. discloses an electronic toy (10) comprising: at least one sensor (14) that detects an external stimulus applied to the electronic toy (see column 7, lines 49-50); an input interface (47) that receives, from outside the electronic toy, control information for controlling the electronic toy (see column 17, lines 24-27); a memory that stores the control information received via the input interface (see columns 16 and 17, lines 57-67 and 1-6, respectively).

A computer or processor (1002) located within the electronic toy and is coupled with the memory (see column 22, lines 32-33) and adapted to: read out control

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information from the memory, in response to an external stimulus detection signal generated by the sensor (see column 7, lines 49-54); and control the electronic toy to perform a predetermined operation in accordance with the control information read out from the memory, wherein the control information received from outside said electronic toy and stored in the memory includes a program for causing the electronic toy to perform a predetermined operation, and wherein the program stored in the memory is selectively read out from the memory in accordance with a type of external stimulus detected by the sensor (see columns 27 and 28, lines 53-67 and 1-19, respectively).

The computer/processor is further adapted to generate an accumulative empirical value on the basis of the external stimulus detection signal generated by the sensor and read out control information from the memory in accordance with the empirical value or a combination of types of the empirical value (see columns 24 and 25, lines 26-67 and 1-59, respectively). The input interface comprises a communication interface (1008) having a communication function (see column 17, lines 24-27); wherein the communication interface is connected via a wireless connection to an external communication terminal (1004) so as to receive control information via the external communication terminal (see col. 28, lines 37-50).

The toy further comprises a sound generating mechanism (see col. 19, lines 31-33) and a moving mechanism (1000), and the predetermined operation performed by the electronic toy is to audibly produce predetermined words, musical sound or effect sound via the sound generating mechanism and make successive motions

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corresponding to the words or sound via the moving mechanism (see col. 11 and 12, lines 62-67 and 1-3, respectively).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8, and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,253,058 B1 to Murasaki et al. in view of U.S. Patent No. 6,012,961 to Sharpe, III et al.

Murasaki et al. discloses the claimed invention except for the electronic toy having an input interface comprising a communication interface that receives, from outside the electronic toy, control information for controlling the electronic toy, and the communication interface being connected to a mobile external communication terminal so as to receive control information via the external communication terminal. However, Sharpe, III et al. teaches an electronic toy (10) comprising the aforementioned limitations (see fig. 3, Abstract, lines 1-5, 21-23; and columns 1 and 2, lines 45-55 and 33-40, respectively). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the electronic toy of Murasaki et al., in view of Sharpe, III et al., such that it would provide the electronic toy of Murasaki et al. with the aforementioned limitations for the purpose of enhancing the operational

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functions and characteristics of the electronic toy by providing it with a wider variety of control information via the external communication terminal.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8, 9, and 11-15 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA
01/26/2005


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 3700